

REMARKS

In the Office Action mailed on March 24, 2005, claims 1-7 were indicated as being allowed and claims 8-13 were indicated as being rejected on form PTOL-326 (Rev. 1-04). However, in the writing, claim 9 was inadvertently not addressed and claim 7 was indicated as being rejected under 35 U.S.C. §103(a). On August 16, 2005, a very cordial telephone conversation took place between the Attorney for the Applicants and Examiner Johnson, wherein Examiner Johnson stated that claim 7 is indeed allowed and that he also intended to allow claim 9.

Accordingly, the present remarks are responsive to the Office Action mailed on March 24, 2005 in addition to the clarification made by Examiner Johnson on August 16, 2005. Claims 1-13 are presently pending. The Attorney for Applicants wishes to thank Examiner Johnson for deeming claim 9 as having allowable material. Accordingly dependent claim 9 stands provisionally canceled and the deemed allowed material has been incorporated into amended independent claim 8. In addition, new claim 14 has been added. Support for the amendment and the new claim 14 (see, for example, the last sentence in paragraph [00010] in the specification for claim 14) can be found, inter alia, in Applicants' specification and original claims. Also accompanying this communication is a petition to extend the prosecution on this matter for two months and the appropriate fee.

In view of the amendments and the following remarks, Applicants respectfully submit that pending original claims 1-8, and 10-13, in addition to new claim

14 are now in condition for allowance and Applicants respectfully request allowance of such claims.

Discussion of the Office Action

In the Office Action of March 24, 2005 in addition to the clarification conversation on August 16, 2005, as stated above, the Examiner allowed claims 1-7, and 9 and he rejected claims 8, and 10-13 under 35 U.S.C. §103(a).

Discussion of the rejection of claims 8, and 10-13 under 35 U.S.C. §103(a)

Claims 8, and 10-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Courty et al. (U.S. Patent No. 5,401,392). Applicants respectfully traverse the rejection in light of the amendments as shown above.

Regarding claim 8, claim 8 has been amended to include the limitations of dependent claim 9, which has deemed allowable material as per the telephone conversation with Examiner Johnson on August 16, 2005. Claim 9 has thus been provisionally canceled.

Accordingly, in light of the amendment to claim 8, the rejection of the claim under 35 U.S.C. §103(a) is respectfully requested to be removed.

Regarding claims 10-13, such claims either directly or indirectly depend from independent claim 8 which is now respectfully deemed unobvious in light of the amendment to such claim.

Under MPEP §2143.01, "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is

nonobvious." In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Accordingly, Applicants respectfully submit that the rejection of dependent claims 10-13 under 35 U.S.C. §103(a), is improper and such a rejection should also be removed.

ALLOWABLE SUBJECT MATTER

The Examiner stated in the telephone conversation on August 16, 2005 that claims 1-7 and claim 9 are allowable.

Applicants would like to thank Examiner Johnson again for deeming claim 9 as having allowable material. Applicants have thus written the limitations of dependent claim 9 into independent claim 8 and have provisionally canceled claim 9 as shown above.

CONCLUSION

The undersigned respectfully submits that the rejections of the claims raised in the Office Action dated March 24, 2005 have been fully addressed and overcome, and the present application is believed to be in condition for allowance.

It is respectfully requested that this application be reconsidered and that pending claims 1-8, and 10-13 in addition to new claim 14 in this case be passed to issue. In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that can be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-3682.

Respectfully submitted,

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Michael C. Staggs
Attorney for Applicants
Registration No. 50,938
Tel. No. (925) 422-3682